



Serial No.: 09/857,795

C#/M#: 159-67

Inventor/s: NOMURA et al.

Atty: Arthur R. Crawford

Date: July 19, 2001

Title: MEDICINAL COMPOSITIONS FOR ORAL USE

Amendment

Pages Specification, Claims & Abstract

Claims

Sheets of Drawings

xx Declaration (1 Pages)

XX Assignment (1 Pages) Including Cover

Priority Document(s)

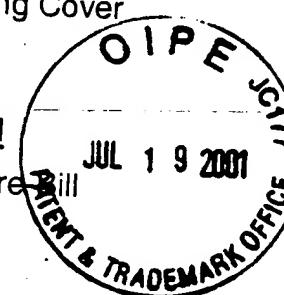
Base Issue Fee Transmittal

\$40.00 Fee (Check) - Pre-Bill

\$ Fee (Check) - Non Pre Bill

\$40.00 = Total Fee Enclosed

Other:



**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

09/857,795

INTERNATIONAL APPLICATION NO.
PCT/JP00/07045INTERNATIONAL FILING DATE
11 October 2000PRIORITY DATE CLAIMED
12 October 1999**TITLE OF INVENTION****MEDICINAL COMPOSITIONS FOR ORAL USE****APPLICANT(S) FOR DO/EO/US**

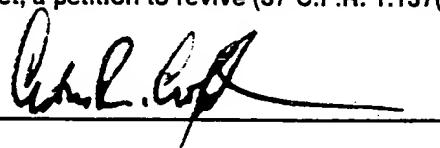
NOMURA et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. The U.S. has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. A English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 To 20 below concern document(s) or information included:

11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. A FIRST preliminary amendment.
14. A SECOND or SUBSEQUENT preliminary amendment.
15. A substitute specification.
16. A change of power of attorney and/or address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- Other items or information.

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 09/857,795	INTERNATIONAL APPLICATION NO. PCT/JP00/07045	ATTORNEY'S DOCKET NUMBER 159-67																				
21. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY																				
BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5)):																						
-- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1000.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO \$710.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00																						
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 0.00																				
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).		\$ 0.00																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>20</td> <td>-20 =</td> <td>X \$18.00</td> </tr> <tr> <td>Independent Claims</td> <td>3</td> <td>-3 =</td> <td>X \$80.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIMS(S) (if applicable)</td> <td>\$270.00</td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> </tr> </tbody> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total Claims	20	-20 =	X \$18.00	Independent Claims	3	-3 =	X \$80.00	MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			\$270.00	TOTAL OF ABOVE CALCULATIONS =				\$ 0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																			
Total Claims	20	-20 =	X \$18.00																			
Independent Claims	3	-3 =	X \$80.00																			
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			\$270.00																			
TOTAL OF ABOVE CALCULATIONS =																						
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		0.00																				
SUBTOTAL =		\$ 0.00																				
Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).		+ 0.00																				
TOTAL NATIONAL FEE =		\$ 0.00																				
<u>Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property</u> + \$ 40.00 <u>for Petition to Revive Unintentionally Abandoned Application (\$1240.00 - Small Entity = \$620.00)</u> \$ 0.00																						
TOTAL FEES ENCLOSED =		\$ 40.00																				
		Amount to be: refunded \$ Charged \$																				
a. <input checked="" type="checkbox"/> A check in the amount of \$40.00 to cover the above fees is enclosed.																						
b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$ _____ to cover the above fees. A duplicate copy of this form is enclosed.																						
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A <u>duplicate</u> copy of this form is enclosed.																						
d. <input checked="" type="checkbox"/> The entire content of the foreign application(s), referred to in this application is/are hereby incorporated by reference in this application.																						
NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.																						
SEND ALL CORRESPONDENCE TO:		 SIGNATURE																				
NIXON & VANDERHYE P.C. 1100 North Glebe Road, 8 th Floor Arlington, Virginia 22201-4714 Telephone: (703) 816-4000		<u>Arthur R. Crawford</u> NAME																				
		25,327 REGISTRATION NUMBER																				
		July 19, 2001 Date																				

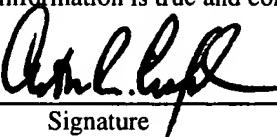
RECORDATION FORM COVER SHEET

PATENTS ONLY

Our Ref.: 159-67

Commissioner of Patents and Trademarks
Box Assignment, Washington, D.C. 20231

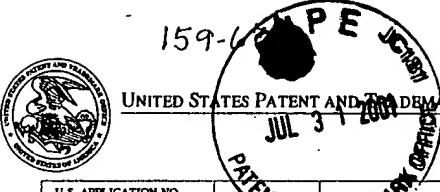
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Masaaki NOMURA Takumi KOJIMA Shigenori NOZAWA		2. Name and address of receiving party(ies): Name: SUNTORY LIMITED Internal Address: Street Address: 1-40, Dojimahama 2-chome, Kita-ku, Osaka-shi
Additional name/s of conveying party/ies attached? <input type="checkbox"/>		City: Osaka State/Country: Japan Zip: 530-8203
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Assignment <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____		Additional name/s & address/es attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Execution Date: July 2, 2001		
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____		
A. Patent Application No(s). (1) 09/857,795 (2) (3)		B. Patent No(s). (1) (2) (3)
Additional numbers attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed:		6. Total number of applications & patents involved: 1
Name: Arthur R. Crawford		7. Total fee (37 CFR 3.41) \$ 40.00
Internal Address: _____		<input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account #14-1140
Street Address: Nixon & Vanderhye P.C. 1100 North Glebe Road 8 th Floor		8. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper thereafter filed in this application by this firm) to our Account N . 14-1140.
City: Arlington State: VA Zip: 22201		
DO NOT USE THIS SPACE		
9. Statements and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.		
Arthur R. Crawford Name of Person Signing Reg. No. 25,327		 Signature July 19, 2001 Date
Total number of pages including original cover sheet, attachments, and document: [2]		

07/24/2001 MNNGUYEN 00000054 09857795

01 FC:581

40.00 OP



UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 3 2001

CLT/MATTER # 159

MAIL DATE 7/20/01

DOUE DATE Sept 26, 2001

FINAL DEADLINE 10/26/01
COMMERCIAL PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.

09/857795

FIRST NAMED APPLICANT

NOMURA

ATTY/DOCSIG NO.

159-67

INTERNATIONAL APPLICATION NO.

PCT/JPO0/07045

I.A. FILING DATE	PRIORITY DATE
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11 OCT 00

12 OCT 99

26 JUL 2001

DATE MAILED:

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494) an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee. Indication of Small Entity Status.
- Copy of the international application. Translation of the international application into English.
- Oath or Declaration of inventor(s). Translation of Article 19 amendments into English.
- Copy of Article 19 amendments. Other:
- Priority Document.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.

2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- U.S. Basic National Fee. Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- b. The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- d. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- e. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: PCT/DO/EO/917

Notice of Defective Translation

PTO-875

PCT/DO/EO/920

Karen Williams *KW*

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3688